

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELIZABETH N. LONG and TONI L.
HOTHAN,

Plaintiffs,

1:12-CV-1495-PA

TEMPORARY RESTRAINING ORDER

v.

LASALLE BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
THE MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2006-FF1, and CAL-
WESTERN RECONVEYANCE
CORPORATION,

Defendants.

PANNER, District Judge.

Plaintiffs seek an ex parte temporary restraining order to enjoin the foreclosure sale of their house. Plaintiffs allege the house is scheduled for a foreclosure sale on September 4, 2012

and defendants have not complied with the legal requirements for a valid non-judicial foreclosure. Amongst other arguments, plaintiffs allege defendants failed to record all assignments of the trust deed in the county land records prior to initiating the foreclosure proceedings.

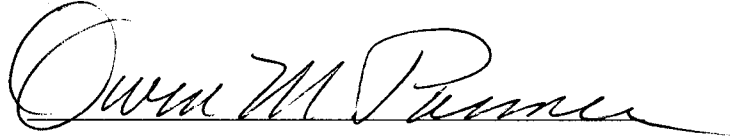
In Oregon, a party initiating non-judicial foreclosure proceedings must record all assignments of the trust deed. ORS 86.735(1); Hooker v. Northwest Trustee Services, Inc., 2011 WL 2119103, *3 (D. Or. May 25) (internal citation omitted; In re McCoy, 2011 WL 477820, at *3-4 (Bankr. D. Or. Feb. 7)); James v. Recontrust Co., et al, 2012 WL 653871, at *19-20 (D. Or. Feb. 29).

Because of the alleged imminent foreclosure sale, and because plaintiffs' allegations demonstrate a sufficient likelihood of success on the merits of her claim that defendants did not comply with the recording requirements of the Oregon Trust Deed Act, I grant plaintiffs' request for a temporary restraining order (#3). Defendants, and their officers and agents, and other persons in active concert or participation with defendants, who receive actual notice of this order, are restrained from conducting a foreclosure sale for the following property: 225 Olwell Way, Medford, Oregon, from this day until Wednesday, September 12, 2012, at 5:00 p.m. I will hold a hearing on whether to issue a preliminary injunction at 11:00 a.m. on

September 12, 2012, in the James A. Redden Courthouse in Medford.

IT IS SO ORDERED.

DATED this 29 day of August, 2012 at 8:40 o'clock AM

A handwritten signature in black ink, reading "Owen M. Panner". The signature is written in a cursive style with a large, looping "O" at the beginning and a long, sweeping underline.

Owen M. Panner
United States District Judge